

EXHIBIT C

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS
3 MDL NO. 1456
4 CA NO. 01-12257-PBS
5

6 IN RE:
7 AVERAGE WHOLESALE PRICE
8 PHARMACEUTICAL LITIGATION
9

10 BEFORE: The Honorable Patti B. Saris
11

12 STATUS CONFERENCE
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14

15 John Joseph Moakley United States Courthouse
16 Courtroom No. 13
17 One Courthouse Way
18 Boston, MA 02210
19 Monday, March 8, 2004
20 3:07 P.M.

21 Cheryl Dahlstrom
22 Official Court Reporter
23 United States District Court
24 595 Main Street, Room 514
25 Worcester, MA 01608-2076
Mechanical Steno - Transcript by Computer

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1 THE COURT: Perhaps we just leave it to the plaintiff
2 to pick two or three even if it's their best cases.

3 MR. WISE: Maybe two or three with the option of us
4 to add to it if we can reach --

5 THE COURT: I can see why no one would stand forth on
6 -- maybe just give them -- I don't even know what the right
7 number is. Maybe think about it. -- to test different
8 theories of how to do this, both with respect to the class and
9 merits.

10 There are -- but the one thing that leaves out is the
11 Together Rx issue because that spans six or seven companies
12 and is very different. I think we all agree. We have to
13 understand, first of all, whether or not there is an antitrust
14 issue here. I really was taken aback when I -- at least
15 there's an allegation that one of these publishing companies,
16 which I had viewed as basically a conduit, was proactive in
17 its own right. I don't know if there's any truth to that. I
18 imagine a deposition of that company would be a starting
19 point.

20 MR. WISE: Yeah.

21 THE COURT: I think --

22 MR. WISE: It indicates the value of finally getting
23 to the facts behind these allegations at some point and trying
24 to grapple with them to see whether there's really a case here
25 and, if so, whether there's a class case here.